

FILED

MARCH 8, 2004

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**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

By: Joyce Brown
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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF THE SUSPENSION OR :
REVOCATION OF THE LICENSE OF :

IAN L. SILVER, M.D. :
LICENSE NO.: MA 76513 :

Administrative Action

CONSENT ORDER

TO PRACTICE MEDICINE AND SURGERY :
IN THE STATE OF NEW JERSEY :

This matter was opened to the State Board of Medical Examiners ("Board") upon receipt of information dated January 14, 2004 from Louis E. Baxter, M.D., Executive Medical Director of the Physicians' Health Program of the Medical Society of New Jersey ("PHP") that Ian L. Silver, M.D. ("Respondent") self-reported his use of cocaine in December 2003, which was also confirmed by a positive urine test in the specimen Respondent provided on December 30, 2003. According to the PHP, Respondent entered into a monitoring program Agreement with the PHP and the Board on August 26, 2003, but he has been participating in the PHP monitoring

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program since February 2002 during the period of time Respondent completed his residency training in this State. The Agreement contains a condition which provides for an Order resulting in the immediate automatic temporary suspension of license in the event the Board receives reliable information or a report of a confirmed positive urine or a prima facie showing of any abuse, possession or distribution of any psychoactive substances or alcohol.

Dr. Baxter has indicated that because Respondent had previously been classified by the PHP as having a "Substance Use Disorder", he never had any formal treatment for chemical dependency. Dr. Baxter further stated that in light of Respondent's use of cocaine in December 2003, the PHP had further concern and thought it prudent to prescribe treatment for Respondent prophylactically. Dr. Baxter reported that on February 10, 2004, Respondent had an evaluation by Arnold Washton, Ph.D. and thereafter, Respondent entered into an extensive out-patient treatment program with Dr. Washton. It was also reported by Dr. Baxter that Respondent was not employed at the time when he used cocaine. Respondent has informed the Board that he is currently employed in a private practice setting.

In lieu of the Board activating the automatic temporary suspension provision set forth in the Agreement, the parties have agreed to the resolution embodied herein and Respondent agrees to the suspension of his license to practice medicine and surgery in

the State of New Jersey and to participate in the PHP monitoring program in accordance with the terms of this Order. The Board finding the within disposition to be adequately protective of the public health, safety and welfare,

IT IS therefore, on this 8th day of MARCH , 2004;

ORDERED and Agreed TEAT:

1. The license of Ian L. Silver, M.D. to practice medicine and surgery in this State is hereby suspended for a period of three (3) months, one month of which shall be active, two (2) months of which shall be stayed and served as a period of probation. The active portion of the suspension shall begin on March 1, 2004 and end on March 31, 2004.

2. Ian L. Silver, M.D. shall maintain absolute abstinence from all psychoactive substances and alcohol unless prescribed by a treating physician with knowledge of Respondent's history of substance use for a documented-medical condition and in the usual course of the treating physician's medical practice with notification to the Executive Medical Director of the Physicians' Health Program.

3. Ian L. Silver, M.D. shall become knowledgeable about any and all foods or food additives or other products which may confound the validity of urine screening and shall refrain from ingesting or otherwise using or employing any such products.

4. Ian L. Silver, M.D. shall submit to random urine monitoring at a frequency of two times per week under the auspices of the Physician's Health Program for the first year following entry of this Order, with reduction in monitoring after that time to be commensurate with his state of recovery at the discretion of the Executive Medical Director of the PHP with notice to the Medical Director of the Board.

5. Ian L. Silver, M.D. shall comply with face-to-face visits with a representative of the Physician's Health Program on a monthly basis for the first year of this Order and then at the discretion of the Medical Director of the PHP with notice to the Medical Director of the Board at a frequency consistent with his duration in recovery.

6. Ian L. Silver, M.D. shall continue in primary treatment (Level 11) with Dr. Washton and shall be responsible to ensure that Dr. Arnold Washton provides quarterly reports to the PHP.

7. Ian L. Silver, M.D. shall document attendance of 12 step meetings (Alcoholics Anonymous or Narcotics Anonymous) at a minimum of three meetings per week.

8. Ian L. Silver, M.D. shall be responsible to ensure that the Physician's Health Program supplies quarterly reports to the Board regarding his progress. The first report shall be filed within one month of the effective date of this Order, An immediate (within 24 hours of awareness) report both orally and in

writing, shall be made by the PHP to the Board of any information that Ian L. Silver, M.D. engaged in any violation of any laws regarding controlled dangerous substances or any positive urine screen or failure to appear for urine monitoring. Further, Ian L. Silver, M.D. expressly waives any claim to privilege or confidentiality that he may have concerning the above outlined reports and disclosure by the PHP to the Board.

9. Ian L. Silver, M.D. hereby consents to the PHP reporting to the Board any indication of a slip, relapse, non-compliance with the recovery program or any use of psychoactive substances or alcohol unless prescribed by a treating physician for a documented medical condition. There is to be immediate notification, by name, to the Board's Executive Director and Medical Director. In the event, upon the Board's receipt of any information which the Board in its sole discretion deems reliable, that Ian L. Silver, M.D. has materially failed to comply with any of the conditions set forth above, or any report of a confirmed positive urine, or a prima facie showing of any abuse, possession or distribution, Ian L. Silver, M.D. consents to the entry of an Order resulting in the immediate automatic temporary suspension of his medical license. Said suspension is to be memorialized in a public State Board of Medical Examiners' Order.

10. Ian L. Silver, M.D. shall have the right to apply for removal of the automatic suspension on two (2) day's notice but in

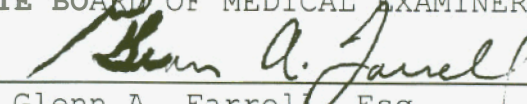
such event shall be limited to a showing that the urine tested was not his or was a false positive or that other information submitted was medically false.

11. Ian L. Silver, M.D. consents to this document becoming evidential in any proceeding involving its violation or any indication of a slip or relapse on his part.

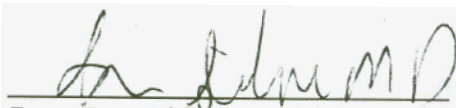
12. The provisions of this Consent Order shall become effective on March 1, 2004.

NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS

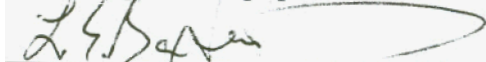
By:


Glenn A. Farrell, Esq.
Vice President

I have read and understand the within Order and agree to be bound by its terms. Consent is hereby given to the Board to enter this Order. I understand that this Order has serious legal consequences and have decided to enter into this agreement with the Board without the advice of legal counsel, as is my right.


Ian L. Silver, M.D.

I agree on behalf of the PHP to the monitoring and reporting provisions contained above.


Louis E. Baxter, Sr., M.D. FASAM
Executive Medical Director
Physicians' Health Program